

RESPONSE UNDER  
37 C.F.R. §1.116  
EXPEDITED PROCEDURE  
GROUP ART UNIT 1617

Docket No. 44657-AAA-PCT-US/JPW/GJG/BJA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Joseph R. Berger

Serial No.: 10/052,961 Group Art Unit: 1617

Filed : January 18, 2002 Examiner: S. Wang

Confirmation No.: 3958

Title : A METHOD FOR AMELIORATING MUSCLE WEAKNESS/WASTING  
IN A PATIENT INFECTED WITH HUMAN IMMUNODEFICIENCY  
VIRUS-TYPE 1

30 Rockefeller Plaza, 20<sup>th</sup> Flr.  
New York, New York 10112  
September 27, 2010

BY EFS

Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

PETITION FOR THREE-MONTH EXTENSION OF TIME

This Petition is submitted in connection with the Final Office Action issued March 26, 2010 by the U.S. Patent and Trademark Office in connection with the above-identified application. A response to the March 26, 2010 Final Office Action was due June 26, 2010. Applicant hereby petitions for a three-month extension of time to respond. The fee for a three-month extension of time for a small entity is FIVE HUNDRED AND FIFTY-FIVE DOLLARS (\$555.00), and authorization is hereby given to charge this amount to Deposit Account No. 03-3125. With a three-month extension of time, a response to the March 26, 2010 Final Office Action is now due September 26, 2010. However, since September 26, 2010 falls on a Sunday, a response filed on the next succeeding day which is not a Saturday, Sunday or Federal

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Holiday, i.e. Monday, September 27, 2010, is considered timely under 37 C.F.R. §1.7. Accordingly, this Petition is being timely filed.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicant's undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee, other than the enclosed \$555.00 for a three-month extension of time, is deemed necessary in connection with the filing of this Petition. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

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<b>Certificate of Transmission</b>	
I hereby certify that this correspondence is being transmitted via the Electronic Filing System (EFS) to the U.S. Patent and Trademark Office on September 27, 2010.	
<i>Gary J. Gershik</i> Gary J. Gershik Reg. No. 28,678	Date <i>9/27/10</i>